

REMARKS

Currently, claims 1-8 are pending. Applicant provisionally elected, with traverse, Group IV directed to a composition comprising an agent that is useful in reducing or eliminating thioredoxin-associated apoptosis inhibition and pursuant to a telephone conversation with the Examiner on September 19, 2006, Applicant further elected the small organic compounds recited in the specification on page 6. Applicant hereby affirms this election. In the present paper, Applicant has amended claims 7-8 and added new claims 9 and 10. Support for such an amendment may be found at, for example, paragraph [0113].

The Examiner has rejected claims 7-8 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Applicant has amended claims 7-8 to recite that the composition comprises a 2-imidazolyl disulfide and a pharmaceutically acceptable carrier. As acknowledged by the Examiner, the specification provides more than sufficient description of 2-imidazolyl disulfides to meet the requirements under 35 U.S.C. § 112, first paragraph. Accordingly, this rejection is moot.

The Examiner has rejected claims 7-8 under 35 U.S.C. § 102(b) as being anticipated by Oblong et al. Applicant has amended claims 7-8 to recite that the composition comprises a 2-imidazolyl disulfide and a pharmaceutically acceptable carrier. Oblong does not disclose a 2-imidazolyl disulfide and a pharmaceutically acceptable carrier. Accordingly, this rejection is moot.

The Examiner has rejected claims 7-8 under 35 U.S.C. § 102(b) as being anticipated by Mau et al. Applicant has amended claims 7-8 to recite that the composition comprises a 2-imidazolyl disulfide and a pharmaceutically acceptable carrier. Mau does not disclose a 2-imidazolyl disulfide and a pharmaceutically acceptable carrier. Accordingly, this rejection is moot.

The Examiner has provisionally rejected claims 7-8 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 5 and 7 of copending U.S. Application No. 10/617,949. Applicant submits herewith a terminal disclaimer, rendering this rejection moot.

CONCLUSION

Applicant has timely filed this response. In the event that an additional fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicant's attorney, he is invited to contact the undersigned at his convenience.

Respectfully submitted,

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